

Law Offices of
Bennet & Bennet, PLLC

1019 Nineteenth Street, N.W., Suite 500 DOCKET FILE COPY ORIGINAL
Washington, DC 20036

Caressa D. Bennet
Michael R. Bennet
Dorothy E. Cukier

Tel: (202) 530-9800
Fax: (202) 530-9805

e-mail: mail@bennetlaw.com
http://www.bennetlaw.com

Of Counsel
Philip E. Bennet
Gregory W. Whiteaker
Telecommunications Analyst
Ken C. Johnson

92-237

December 11, 1997

VIA HAND DELIVERY

Magalie Roman Salas, Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

RECEIVED
DEC 11 1997
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

Dear Ms. Salas:

Transmitted herewith, on behalf of Roosevelt County Rural Telephone Cooperative, are an original and four copies of a Petition for Limited Waiver of the January 1 deadline for converting local exchange carrier switches to 4-digit Feature Group D carrier identification code functionality. The attached Declaration of Donald Massey bears a facsimile signature. The original signed Declaration will be filed with the Commission upon receipt by counsel.

Should the Commission have any questions with respect to the Petition, please communicate directly with the undersigned.

Very truly yours,

Michael R. Bennet

Michael R. Bennet

Enclosure

cc: Kris Monteith
Elizabeth Nightingale

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DOCKET FILE COPY ORIGINAL
Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of

Administration of the
North American Numbering Plan
Carrier Identification Codes (CICs)

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CC Docket No. 92-237

To: Common Carrier Bureau

PETITION FOR LIMITED WAIVER

Roosevelt County Rural Telephone Cooperative, Inc. ("Roosevelt" or "Petitioner"), by its counsel and pursuant to Section 1.3 of the Rules and Regulations of the Federal Communications Commission ("FCC" or "Commission"),¹ hereby requests a limited waiver of the January 1, 1998 deadline for the conversion to four digit Feature Group D Carrier Identification Codes ("CIC") established in the above-captioned proceeding. Petitioner requests additional time until February 28, 1998 to comply with the requirements that a carrier have four digit CIC capability.

Roosevelt is a small rural local exchange carrier, located in Portales, New Mexico, which became an equal access provider in February 1994. Currently, Roosevelt is in the final stage of installing and configuring its new Nortel, Inc. ("Nortel") DMS-10 switch in order to handle four digit CIC functionality. However, Roosevelt cannot coordinate the cut from its old switch to the new switch prior to the January 1, 1998 deadline due to technical and economic obstacles that are explained herein. Accordingly, Roosevelt submits that a grant of this limited waiver will serve the public interest and requests an extension of time to finish its implementation of four digit CIC functionality.

¹ 47 C.F.R. § 1.3 (1996).

Background and Facts

In February 1997, Roosevelt contacted Nortel in order to replace its old Stromberg-Carlson switch with a new Nortel DMS-10 switch in order to upgrade its 2,150 access line network to handle four digit CIC code functionality. Nortel's original estimated date for completion of installation and conversion to four digit CIC capability was November 15, 1997. Prior to establishing contact with Nortel and initiating its upgrade, Roosevelt had contacted Stromberg-Carlson about the hardware and software upgrades necessary to handle four digit CICs. While Stromberg-Carlson stated that it could accomplish the upgrade, the resulting hardware and software configurations would have been so drastic as to be the functional equivalent of replacing the entire switch. With this in mind, Roosevelt communicated with Nortel and found it could replace its switch for \$500,000 less than the estimated cost of the Stromberg-Carlson upgrade.

Roosevelt was aware of the need to migrate to four digit CIC capability and anticipated being in compliance well in advance of the original deadline of the year 2000.² In fact, it had finished its switch modernization choice and had begun installation. The FCC released the *Second Report and Order* on April 11, 1997 which shortened the anticipated deadline from 2000 to January 1998.³ At the time, the new deadline was not a problem since Roosevelt and Nortel believed the November 15, 1997 completion date was still reachable. However, due to

² In the Matter of Administration of the North American Numbering Plan Carrier Identification Codes (CICs), Petition for Rulemaking of VarTec Telecom, Inc., Second Report and Order, CC Docket No. 92-237, FCC 97-125, released April 11, 1997 ("*Second Report and Order*").

³ *Second Report and Order* at ¶ 4.

unanticipated engineering complexities of cutting seamlessly from one switch to another, and a recent backlog of work for Nortel as numerous local exchange carriers rush to meet the deadline, Roosevelt will now be unable to make the cut to four digit CIC capability until February 28, 1998.

Good Cause Exists for a Grant of Roosevelt's Request for Waiver

Good cause exists for the requested waiver. "The Commission may exercise its discretion to waive a rule where particular facts would make strict compliance inconsistent with the public interest."⁴ Application of the January 1 deadline to Roosevelt would be extremely inequitable and inconsistent with the public interest. Roosevelt has been diligent in its efforts to comply with the conversion deadline. Roosevelt requests a limited waiver of the January 1, 1998 deadline to transition to four digit CIC functionality so that it has the time to configure the Nortel hardware and software upgrades to make a seamless cut from its old Stromberg-Carlson switch to handle four digit CIC codes. Petitioner has demonstrated a good faith effort to comply with the Commission's upgrade requirements as evidenced by its February 1997 initiation of its network modernization plan. The only alternative to the new Nortel switch was a more expensive, and possibly more complex and time-consuming, upgrade to the old Stromberg-Carlson switch. The current Roosevelt solution makes technical and economic sense.

In its December 3, 1997 order granting a limited waiver of the January 1 four-digit CIC code capability deadline for a group of rural telephone companies, the Commission recognized the technical and economic burden placed on small and rural local exchange carriers by the

⁴ *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); *see also Northeast Cellular Telephone Co., L.P. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

January 1 deadline.⁵ In the *CIC Waiver Order* the Commission concluded that a small rural telephone company which had initiated the upgrade process in connection with its conversion to four-digit CIC capability in early 1997 demonstrated sufficient diligence to satisfy the standard for a waiver. Roosevelt, which also began its 4-digit CIC conversion process in early 1997, clearly meets this standard. The Commission also concluded that for rural telephone companies, “the impact of an extension of the conversion deadline on the IXCs served by [those companies], and on the ability of those LECs’ customers to reach IXCs through CAC dialing, does not outweigh the burden on the LECs that would be imposed by a denial of their petitions for waiver.”⁶

In light of these specific facts and circumstances, Roosevelt submits that good cause exists for a limited waiver of the January 1, 1998 deadline until February 28, 1998 for conversion of its exchange to four digit CIC functionality. Roosevelt has made every reasonable effort to meet the Commission’s deadlines using the most technically efficient and economically rational solutions. Given the diligence shown by Roosevelt, the unavailability of equipment and installations necessary to meet the January 1 conversion deadline, and the burden that would be

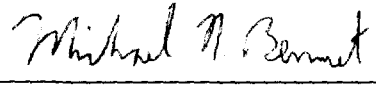
⁵ *Clarks Telecommunications Co., et al.; Petitions for Waiver of the Four-Digit Carrier Identification Code (CIC) Implementation Schedule, Order*, NSD File Nos. 97-53; 97-56; 97-46; 97-51; 97-54; 97-55; 97-47; 97-48; 97-49; 97-50, DA 97-2528, released December 3, 1997 (“*CIC Waiver Order*”).

⁶ *CIC Waiver Order* at ¶ 18.

imposed on Roosevelt if its waiver request is denied, grant of this instant request is consistent with the public interest.

Respectfully submitted,

Roosevelt County Telephone Cooperative, Inc.

By 

Michael R. Bennet
Bennet & Bennet, PLLC
1019 19th Street, N.W.
Suite 500
Washington, D.C. 20036
(202) 530-9800

Its Attorneys

December 11, 1997

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Declaration of Donald Massey

I, Donald Massey, Executive Vice President and Manager of Roosevelt County Rural Telephone Cooperative, do hereby declare under penalty of perjury the following:

1. I am a duly authorized representative of Roosevelt County Rural Telephone Cooperative.
2. I have reviewed the foregoing Petition for Limited Waiver and, to the best of my belief and knowledge, the facts presented therein are true and correct.

Executed this 10 day of December, 1997.


Donald Massey

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Certificate of Service

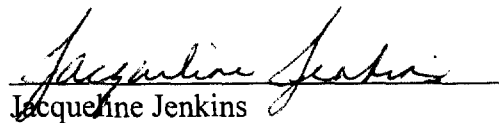
I, Jacqueline Jenkins, an employee in the law firm of Bennet & Bennet, PLLC, hereby certify that a copy of the foregoing Petition for Limited Waiver, has been served via hand delivery, this 11th day of December, 1997, on the following:

A. Richard Metzger, Chief
Common Carrier Bureau
Federal Communications Commission
1919 M Street, N.W., Room 500
Washington, D.C. 20554

Geraldine Matise, Chief
Network Services Division
Common Carrier Bureau
Federal Communications Commission
2000 M Street, N.W., Room 235
Washington, D.C. 20554

Elizabeth Nightingale, Esq.
Network Services Division
Common Carrier Bureau
Federal Communications Commission
2000 M Street, N.W., Room 235
Washington, D.C. 20554

Kris A. Monteith, Esq.
Network Services Division
Common Carrier Bureau
Federal Communications Commission
2000 M Street, N.W., Room 235
Washington, D.C. 20554


Jacqueline Jenkins